

THE SALT LAKE HERALD-REPUBLICAN

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COAL SITUATION NEEDS CORRECTION.

It is a matter of deep satisfaction to those who have watched with dismay the manner in which the prices of the necessities of life have been steadily mounting in Utah, due to criminal combinations, to note the rapidity with which sentiment is spreading through the state on the coal question. There is no community or section of the state to which the coal trust, its aiders and abettors can turn for sympathy and assistance. The agitation is producing excellent results in every one of the nineteen counties of the state which the coal trust holds in its grasp.

Opinions are divided as to the best method to be used in getting relief. There are indications that these opinions will be crystallized into something worth while by the time the legislature meets, and that the full force of the movement will be turned into the channel which the majority opinion believes will be most effective.

There are a great many people, however, who hope that the present Utah statutes, which forbid combinations to raise the price of the products of the soil, will be given a thorough test. There is a belief that the statutes are ineffective, but it is only a belief and cannot become a settled and definite conclusion until some test is made. So the sooner that test is made the better it will be for all concerned.

The statutes of this state prohibit combinations, and they prescribe the method by which the combinations shall be attacked. The statutes provide that the secretary of state shall serve notice upon the various companies or corporations in the combination to dissolve. It becomes the duty of the secretary of state to do this when he has satisfactory evidence in his possession that there is such a combination. The Commercial Club Traffic Bureau has placed at the disposal of the secretary of state the evidence it has gathered in two years' investigation of the situation. The secretary of state has the traffic bureau's statement in his hands. He declares that he will act unless there is some immediate relief.

When the secretary of state deems the evidence satisfactory, it becomes his duty to notify the corporations in the combination to dissolve their trust at once, and this he says he will do. If at the end of thirty days they have not done so, it then becomes the duty of the secretary of state to file his evidence with the attorney general. The law then provides that the attorney general shall begin suit, or have some county attorney do so, against the members of the combination in some court of competent jurisdiction within the commonwealth. If convicted of forming an unlawful combination, the law provides that the offending corporations shall lose their charters, shall be dissolved, and shall lose their rights, of course, to do business in Utah.

One feature of the law to which little attention has been paid is that providing a penalty also for the persons that engage in the combination. Although the corporations lose their charters, the men responsible for the combination also get attention from the statute. Here is the law, section 1753, Compiled Laws of Utah:

Any person or association of persons who shall create, enter into, become a member of, or any party to, any pool, trust, agreement, combination, confederation, or understanding with any other person or persons, to regulate or fix the price of any article of merchandise or commodity; or shall enter into, become a member of, or a party to, any pool, trust, agreement, contract, combination, or confederation, to fix or limit the amount or quantity of any article, commodity, or merchandise, to be manufactured, mined, produced, or sold, in this state, shall be deemed and adjudged guilty of a conspiracy to defraud, and be subject to punishment as hereinafter provided.

And the punishment is provided as follows in section 1756, Compiled Laws of Utah:

Any president, manager, director or other officer, agent or receiver of any corporation, firm, or association, or any member of any company, firm, or association, or any individual found guilty of a violation of any provision of this title, may be punished by a fine of not less than \$100 nor more than \$1,000, or by confinement in the county jail for not more than one year, or by both, in the discretion of the court before which such conviction may have been had.

The law would seem to be plain and definite. It only remains now to set it into motion.

FREAK LEGISLATION.

A Colorado legislator has in preparation a bill that will earn him probably the solid opposition of the medical fraternity in Colorado if by any chance the bill should become a law. It provides that any surgeon who shall perform an operation for appendicitis and thereafter be unable to prove that the appendix was in a diseased condition shall be guilty of malpractice and punishable under the penal code. Just what reception his bill is going to get in the legislature it is difficult to forecast. The physicians of the Centennial state are suggesting to Mr. Schuh, the legislator, that he had better leave the diagnosis of diseases to those who are more competent to handle it. But that is what he says has been done without avail.

Phillip Schuh is the name of the legislator who is making a bid for fame in this wise. He says his father and mother both died from operations for appendicitis, and that he believes neither of them would have crossed the river at that time if they had not been the victims of the surgeon's knife; which may or may not be true, but Mr. Schuh firmly believes it.

His proposed measure reminds one of the story of the sailor who was subject to peculiar fits, at the outset of which he would fall in the street or wherever he happened to be. He would be rushed to a hospital and the young doctors would operate upon him for appendicitis. After half a dozen of such operations, the sailor hit upon a scheme. He had the following legend tattooed upon his abdomen: "I have no appendix, haven't had for many years. If you must cut me open, try some other location." It is a matter of record that the next time he suffered from one of his peculiar fits, and was taken to a hospital, the house physician kicked the office dog twice around the room and the attendant nurse swallowed her chewing gum.

It seems that nine hundred persons were operated upon for appendicitis in Colorado last year, that 12 per cent of the number of patients died, and Mr. Schuh says that 16 per cent of the operations were not necessary.

It is hardly likely that the Colorado legislature will enact Mr. Schuh's bill into a law. We may chaff our family physician occasionally and accuse him of furnishing an excuse whenever possible for an operation and we may even complain about his bill; but

when one of our loved ones is ill and the valley of the shadow seems very near, it is to the patient, able, sympathetic physician to whom we go. We think nothing of calling him out of bed on a cold, stormy night to see one of the children who, it later develops, has merely eaten too many raisins for supper.

No capable, honest doctor will advise an operation unless he deems it absolutely necessary, and the other sort of doctor will not prosper long. His measure will soon be taken.

PUNISHMENT SWIFT AND SURE.

The prompt action of the Republican county administration in discharging alleged grafters from the public service as soon as the alleged grafting was discovered, and then ordering their arrest and punishment, is very disconcerting to the forces of evil that are in control of the city. The inner circle that has been looting the city ever since it came into power in January, 1906, which has added \$1,000 a day to the general tax expenses of the city and \$300 a day to its general indebtedness, cannot understand it.

Honesty in civic affairs is so thoroughly unfashionable among the inner circle that it always suspects it in others. Therefore, the inner circle argues that there must be some deep-laid plot in the matter. Through its organ, the inner circle gives the opinion that if Anderson and Clinton will tell the truth they may escape punishment. Prior to the pursuit of Anderson into Canada and his arrest there, the inner circle circulated the story that there was no intention of hunting for him, that he knew too much, etc.

"If the little grafters will stand up and face the big ones," says the organ, "they may escape prosecution altogether." The best way to determine the truth of that is to wait and see whether they do escape prosecution. If the officers of the law halt in their duty, if Anderson and Clinton are not prosecuted and punished, if guilty, then the inner circle talk will be generally believed. But if they are rigorously prosecuted, and their punishment commensurate with the offense, it found guilty, then the inner circle will be convicted of its usual policy.

against them. If the county officers feared any disclosure they might make, it would have been easy enough to have allowed Anderson to remain quietly in Canada, whither he had gone.

No, disgusting as it is to the inner circle, it can find nothing in this graft matter from which to make political capital. As soon as the grafting was discovered, the county commissioners promptly discharged the grafters from the public service and ordered their arrest.

HOPE FOR THE GAMBLERS.

As a result of the election of a Democratic governor in New York, and a Democratic legislature, the legislative apportionment of New York made in 1907 has been attacked in the courts. It is openly admitted that the attack is made for the purpose of vitiating the anti-race track bills which prevent race betting in New York state. This suit throws some light on the support which Dix and the remainder of the Democratic ticket in New York received at the recent election, and the influence that compassed the defeat of Henry L. Stimson, the Republican candidate for governor of New York.

During the course of the campaign Mr. Roosevelt made in support of Mr. Stimson he predicted that if his candidate were elected governor he would pursue the same course that was pursued by Governor Hughes; and that any attempt to repeal the legislation for the benefit of public morals that was adopted under the Hughes regime would be bitterly fought by Mr. Stimson. That the worst element of society in New York state worked against Mr. Stimson was apparent at the time, and it is still more apparent.

If the apportionment under which many members of the legislature that passed the anti-race track bill were chosen is declared to have been unconstitutional, then the votes these legislators cast in favor of these bills can be attacked and the legislation will fall. The laws with relation to race track gambling would then remain as they were before Mr. Hughes became governor, and the fight would have to be made all over again. It is easily seen what chance those laws would have with the men in office who received the support of the element that favors gambling at race tracks.

The suit which has been filed to declare this apportionment illegal shows evidences of being carefully prepared, and of a great deal of ground having been covered to get material with which to support the petition. Judge Bischoff of the supreme court of New York county has signed an order giving notice to the governor of New York, the temporary president of the New York senate, the speaker of the New York assembly and the attorney general of the state to appear and show cause why the apportionment should not be reviewed.

It is the beginning of long and expensive litigation, with plenty of money to be furnished by the New York followers of horse racing, and with the possibility that the state will have to spend much money in defense of its legislation.

THE POOR OLD TRIBUNE.

The Tribune says it has been fighting for cheaper coal for four years. And all that time the price of coal has been steadily rising. There never was a moment during that four years that the coal barons felt themselves in any danger of getting reduced profits. It is a sad commentary on Tribune prestige and influence that its four years' fight has accomplished nothing.

The Herald-Republican has been fighting for about three weeks, and the entire state is up in arms over the matter. There is considerable difference between a live newspaper, unfettered and uncontrolled, and a forty years ago apology for a journal with an utter lack of ideas, and a total misunderstanding of how to express those ideas if it had them.

The Tribune is trust-owned and trust-controlled. It can't do anything, and doesn't want to do anything. It may as well confess it.

Friday morning the Tribune has a its editorial page that "Utah's desecrated tree of church politics" had prevented Senator Sutherland's appointment to the Supreme bench. On the back page of the same issue, it said that Sutherland stands an excellent chance, and that his appointment will be announced in a day or two. A newspaper man or two could certainly work wonders in the Tribune office.

Dr. Dudley A. Sargent of Harvard says that women are rapidly assuming man's proportions, and that the composite form of 10,000 women examined since 1890 shows this remarkable result. To have made a careful examination of the figures of 10,000 women must have kept Professor Sargent remarkably busy. Did he work the "affinity" game, or, if not, how did he keep out of jail?

A Pennsylvania justice of the peace horsewhipped a wifebeater who was brought before him. He ought to be imported to Utah to handle the coal trust. He would probably do something further than slap the trust on the wrist.

According to a report just given out, a large proportion of the citizens of the state of Washington are insane. It will be recalled that a large proportion of them are insurgent, also, politically speaking.

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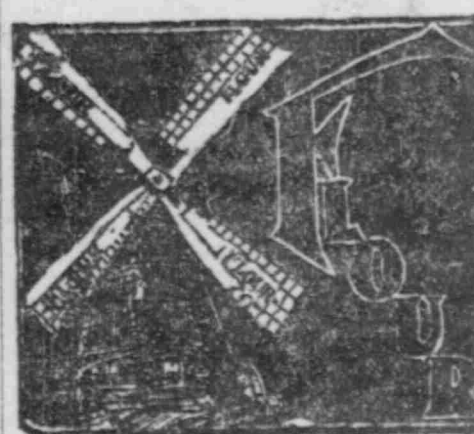
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